

E-FILED - 4/6/11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNIVERSAL GRADING SERVICE, JOHN
CALLANDRELLO, JOSEPH KOMITO and
VADIM KIRICHENKO, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

eBAY, INC., a foreign corporation,
AMERICAN NUMISMATIC
ASSOCIATION, a foreign non-profit
association, and PROFESSIONAL
NUMISMATISTS GUILD, INC., a foreign
corporation, BARRY STUPLER &
COMPANY, LLC.,

Defendants.

Case No. C 09 02755 RMW (HRL)

**STIPULATION & ORDER SETTING BRIEFING
SCHEDULE AND HEARING DATE FOR
DEFENDANTS' MOTIONS TO DISMISS
PLAINTIFFS' FOURTH AMENDED
COMPLAINT**

Plaintiffs Universal Grading Service, John Callandrello, Joseph Komito, and Vadim Kirichenko (“Plaintiffs”), on the one hand, and Defendants eBay Inc. and Professional Numismatists Guild, Inc. (collectively “Defendants”), on the other hand, by and through their undersigned counsel, stipulate as follows:

WHEREAS, on March 8, 2011, the Court granted Defendants’ motions to dismiss Plaintiffs’ Third Amended Complaint and gave Plaintiffs twenty days to file a Fourth Amended Complaint (Docket No. 151);

WHEREAS, on March 28, 2011, Plaintiffs filed their Fourth Amended Complaint (Docket No. 152);

WHEREAS the Parties have taken into account the Parties’ and their respective counsels’ holiday schedules and other substantive trial/hearing dates in agreeing to the proposed briefing schedule;

WHEREAS, the Parties desire to set a briefing schedule and a hearing date for Defendants’ motions to dismiss Plaintiffs’ Fourth Amended Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the Parties as follows:

1. Defendants will file their Motions to Dismiss on May 6.
2. Plaintiffs will file any Opposition to Defendants’ Motion to Dismiss on June 17.
3. Defendants will file any Reply to Plaintiffs’ Opposition on July 8.
4. Defendants’ Motions to Dismiss will be set for hearing on July 22 at 9:00 a.m.

Dated: April 4, 2011

MARINA TRUBITSKY & ASSOCIATES
MARINA TRUBITSKY

BY: s/ Marina Trubitsky
MARINA TRUBITSKY

Attorneys for Plaintiffs Universal Grading Service,
John Callandrello, Joseph Komito, and Vadim
Kirichenko

1 Dated: April 4, 2011

COOLEY LLP
MICHAEL G. RHODES (116127)
JOHN C. DWYER (136533)
BENJAMIN F. CHAPMAN (234436)

4 BY: s/ Benjamin F. Chapman
BENJAMIN F. CHAPMAN (234436)

Attorneys for Defendant eBay Inc.

7 Dated: April 4, 2011

GEORGE ZISER (51879)
JEFFREY R. LISENBEE
LEWIS BRISBOIS BISGAARD & SMITH LLP

9 BY: s/ JEFFREY R. LISENBEE
JEFFREY R. LISENBEE

Attorneys for Defendant Professional Numismatic
Guild, Inc.

13 FILER'S ATTESTATION:

14 Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of
15 perjury that the concurrence in the filing of this document has been obtained from its signatories.

16 Dated: April 4, 2011

17 By: /s/ Benjamin F. Chapman
Benjamin F. Chapman

19 **ORDER**

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 DATED: 4/6/11

Ronald M. Whyte
The Honorable Ronald M. Whyte
United States District Judge